

EXHIBIT O

In The Matter Of:

*Arthur Jackson, III v.
Delaware County, et al*

*Miriam A. Byrd
December 17, 2003*

*Farrell Court Reporting
3223 Polk Road
Norristown, PA 19403
(610) 584-8787*

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Word Index included with this Min-U-Script®

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A: Yes, sir.

Q: These are things that we received in discovery. What are the progress notes generally? As a nurse, can you describe what they're supposed to be?

A: Well, it's like a running documentary on an inmate or a patient's progress, any problems that you run into with the inmate. The doctor will write a note concerning the patient or the inmate. I'll say patient.

Q: Would it be like a chart in the hospital, analogous to that?

A: Yes, it would be like a chart; yes, sir.

For instance, if you saw somebody that had an altercation and their head was injured, you'd write a progress note.

Q: On those progress notes on Page 28, is that your writing or do you know whose writing that is?

A: On the 28th, no, that's not my writing. The next page is.

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Q: The next page is. So on the 28th is that the doctor's writing or do you know?

A: I assume it's the doctor's because I can't read it. It has holding insulin today.

Q: You can't read the 28th; right?

A: I can read it. Do you want me to read it?

Q: Tell me what you can read.

A: Sick during diabetic accu-check, chills, gagging, diarrhea, 24 hours temp. was 99.6, BP was 150/90. The pulse was 84. He had positive bowel sounds. He had a tender distended belly. His lungs were clear and the diagnosis by the doctor was gastroenteritis and hold the insulin today. Mallox and Kaopectate and rest. That was at 1510. On 1600 still shaking. Pulse 80; temperature 98.4; feeling he has an alcoholic problem. Last drink was Thursday daytime.

Q: Does it indicate anywhere there why Mr. Jackson was shaking? The reason

(1) was?

(2) MR. HERBERT: Other than

(3) the alcohol problem?

(4) MR. REIL: Yes.

THE WITNESS:

(6) Gastroenteritis and drinking.

BY MR. REIL:

Q: Did you review any progress notes from the weekend of 5/28/00 when Mr. Jackson was injured?

A: I reviewed no progress notes, only the MARs.

Q: Now we look on Page 29, that's your writing; right?

A: I'm afraid so.

Q: Why don't you help me with that.

A: Want me to read what I wrote?

Q: Yes.

A: 1:00 a.m., inmate has prior medical history of insulin dependent diabetic. We received, then I gave the insulin doses for a.m. and insulin doses for p.m. NPH he got 10 units of NPH insulin on the 26th. Psych., Klonopin one

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(1) milligram TID, two milligrams HS.

(2) Trazadone, 100 milligrams, 200 milligrams

(3) HS.

(4) Physical examination

(5) Dr. Gessner for coverage. Insulin psych

(6) coverage. That's it.

Q: Were you aware that Mr. Jackson in 1998 was here at the prison and attempted suicide?

MR. HERBERT: Objection.

MS. MAHONEY: Objection.

MR. HERBERT: Objection to the wording attempted. That's a psychological term. We don't know if there was an attempted suicide or a suicidal gesture, suicidal ideation.

BY MR. REIL:

Q: Were you aware, in 1998, that Mr. Jackson was involved in a suicidal incident?

MR. HERBERT: Objection.

You can answer.

THE WITNESS: Aware when? When I came in?

EXHIBIT P



Correctional Facility
Health Services Department

PROGRESS NOTES

ALLERGIES:

Date/Time	Inmate Name:	ID /	D.C.B.: / /
5/6/01	S. Jack during Inmate's check		
1510	Chills Gagging, diarrhea x 24"		
	0. P 90/90 pulse 84 tender distended belly good BS.		
	A. Gastroenteritis.		
	B. Hold on Insulin today		
	Maalox / Kaopectate / Pepto		
	Illness		
5/6	S. Still Shaking		
1600	0. Pulse 88/		
	Staff feels he has both problem		
	last drunk Thursday anytime.		
	29		

Complete Both Sides Before Using Another Sheet

EXHIBIT Q

SEAN GARDENER

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CIVIL ACTION NO. CV-3230-02

ARTHUR JACKSON, III,) DEPOSITION UPON
)
 Plaintiff,) ORAL EXAMINATION
)
 - vs -) OF
)
DELAWARE COUNTY, et al.,) SEAN GARDENER
)
 Defendant.)

TRANSCRIPT OF DEPOSITION, taken by and
before SHAMEKA MASON, Certified Court Reporter and
Notary Public, at the Law Offices of HOWARD
ROLLINS LLC, 262 South 12th Street, Third Floor,
Philadelphia, Pennsylvania, on Wednesday, January
14, 2004, commencing at 9:23 a.m.

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SEAN GARDENER

- - -

BY MR. HOWARD:

Q. It's my understanding that you are not represented by an attorney today, correct?

A. No.

Q. Not that it's necessary, but I just wanted to make sure for the record.

A. I have one.

Q. You don't need to bring him or her today.

Do you remember the plaintiff, Arthur Jackson?

A. Yes. I do.

Q. What's your recollection of him?

A. What do you mean?

Q. Tell me what you remember about him.

A. He used to come in for -- he came in for quite a few weekends he had. He used to come in every weekend drunk. So for the most part every time he came in he was intoxicated. I'd send him up to the prison. There should have been incident reports on that.

The weekend that he did come in sober was the weekend that this happened. He came in and he was fine. He was sober. I gave him his bunk. He

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1 went through the weekend, no problems out of him.
2 We used to have a lot of problems out of him
3 because he was intoxicated when he came in. He
4 was sober that weekend. I gave him his bunk. He
5 was fine for the weekend.

6 He came out Sunday night. They usually
7 came in about 5:30, quarter to 6:00. Everyone
8 would come to the front of the -- where I used to
9 sit, my area. They would all stand right there in
10 a group. I would start discharging guys to go
11 home. I said Arthur's name. I would call his
12 name out so he could be discharged. When I did,
13 he threw out a yelp. He screamed and he hit the
14 floor. All the other inmates screamed at me to
15 come over and to help him, so of course I did. I
16 ran over. Some of the inmates gave me towels and
17 I stuck it under his head because he was bleeding
18 out of his ears and nose. He was convulsing. He
19 was, like, shaking real bad. I tried to talk him
20 out of it. That's the best I knew to do with him.

21 Officer Dicave, I'm pretty sure, was the
22 one I told to call up to the center control to
23 master control to get medical sent down there
24 right away because we were two separate buildings

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1 right on the bottom of the hill. Prison's on top
2 of the hill. So then medical would come down and
3 help him from there. Then the ambulance came.
4 Officer -- I think it was Lieutenant McCollough at
5 the time came down, tried to find out what was
6 going on. I let him know what was going on, sent
7 him out on the ambulance and I wrote that report.
8 That's basically what I, you know -- it was a few
9 years ago.

10 Q. That's what you remember?

11 A. Yeah.

12 Q. You indicated he came in -- he was drunk
13 most of the weekends?

14 A. Yes.

15 Q. How do you know he was drunk?

16 A. Came in slobbering, falling down. Pretty
17 much you could ask him. He'd tell you he was. He
18 was one of them guys that would just tell you.
19 You start to get to know these guys. They've been
20 there for a while. You start to remember who these
21 guys are when they come in, how they act. It's my
22 job to know. There's one of me and 150 of them.
23 You have to know what's going on with each guy.

24 Q. You were aware that he was on medication?

SEAN GARDENER

1 been drinking, that they need glucose.

2 Q. Were you aware that Mr. Jackson was a
3 diabetic?

4 A. Yes. I'm pretty sure he probably mentioned
5 that to me.

6 MR. HOWARD: I have no more
7 questions. Thank you.

8 BY MR. HERBERT:

9 Q. Mr. Gardener, you indicated that
10 Mr. Jackson would come in on most weekends drunk.
11 Do you believe it was because of his diabetes?

12 A. No.

13 MR. HOWARD: Object to form.

14 THE WITNESS: Because he would be
15 -- there's times he peed in his pants and
16 he was pretty messy, pretty nasty. He
17 reeked of alcohol. It wasn't -- to me it
18 didn't seem like it was anything that had
19 to do with diabetes. If he did, he should
20 have took his medication before he came or
21 he could have said to me I didn't take my
22 medication; that's what's wrong with me.
23 He never said that. He was drunk and there
24 was times he would say I had a few drinks.

WORD
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EXHIBITS

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1 I had this or he would -- that's how he
2 was.

3 BY MR. HERBERT:

4 Q. Were there times that Mr. Jackson didn't
5 bring his medications in on the weekends, do you
6 recall that?

7 MR. HOWARD: Objection. Calls for
8 speculation.

9 THE WITNESS: When he would come
10 in -- for the most part when he was
11 drinking, I didn't even search him. I just
12 sent him off to the jail because he was --
13 you have all these people coming in. You
14 got a guy that's really falling down drunk.
15 You just take him and send him up to the
16 jail. You have the other officer take him
17 up there.

18 BY MR. HERBERT:

19 Q. You would characterize Mr. Jackson when he
20 would come during the weekend that you observed
21 that he'd been drinking that he was falling down
22 drunk?

23 A. Oh. Yeah. He was obnoxious, just dirty,
24 reeked of alcohol, didn't want to, like, conform